

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, OCTOBER 12, 19 93

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING October 12, 19 93  
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta  
IN THE CHAIR, <sup>Acting</sup> COUNCIL ATTORNEY Richard Snouffer, AND  
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS 9 VIZ:

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BRADBURY Present, EDMONDS Present, GIAQUINTA Present,  
HENRY Present, LONG Present, LUNSEY Present,  
RAVINE Present, SCHMIDT Present, TALARICO Present,

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ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_  
\_\_\_\_\_

THE MINUTES OF THE LAST REGULAR September 28, 1993 19,  
\_\_\_\_\_, 19 \_\_\_\_

SPECIAL \_\_\_\_\_, 19 \_\_\_\_

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of October, 1993, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13<sup>rd</sup> day of October,  
1993.

Sandra E. Kennedy  
City Clerk



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

September 28, 1993

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

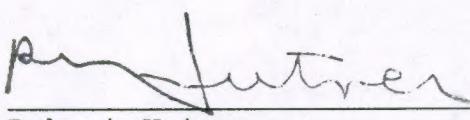
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-93-09-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
28th day of September 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

Z-93-09-07

**BILL NUMBER****Division of Community  
Development & Planning**

<b>BRIEF TITLE</b>	<b>APPROVAL DEADLINE</b>	<b>REASON</b>
Zoning Map Amendment		
From R-3 to B-1-B		

<b>DETAILS</b>		<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>
<b>Specific Location and/or Address</b>  5700 So Anthony B1		<b>Sponsor</b>  	City Plan Commission
<b>Reason for Project</b>  This rezoning was initiated at the suggestion of the Plan Commission staff in order to bring the zoning of the property more into line with the existing uses on the property.		<b>Area Affected</b>  	City Wide  Other Areas
<b>Discussion (Including relationship to other Council actions)</b>  <u>20 September 1993 - Public Hearing</u>		<b>Applicants/ Proponents</b>  	<b>Applicant(s)</b> LIUNA 213, Inc. <b>City Department</b>  Other
Solomon Lowenstein, Jr., attorney with offices at 503 W Wayne St., appeared before the Commission. Mr. Lowenstein stated that he as representing the petitioner LIUNA 213, Inc. Mr. Lowenstein stated that the real estate initially was purchased by Klaehn Realty, Inc., in 1962. In 1970 Klaehn Realty, Inc., built a funeral home and it was used as such until shortly prior to 1991 when LIUNA 213, Inc, purchased the real estate. In 1991, on behalf of LIUNA 213, Inc., he contacted the staff of the City Plan Commission with regard to the parcel. At that time the staff recommendation was to keep the zoning R-3, but they recommended that they apply for a special use exception for a professional office in an R-3 District. He stated that they applied and were granted the use. He stated that on June 10, 1993 the Allen Circuit Court following the filing of a complaint for the amendment and modification of the Restrictive Covenants for Squire's Second Addition, which was filed by St. Mary's Realty, Inc., and LIUNA 213, Inc., through Mr. Lowenstein, regarding the use of the real estate. He stated that they approved		<b>Opponents</b>  	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>
		<b>Staff Recommendation</b>  	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
		<b>Board or Commission Recommendation</b>  	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
		<b>CITY COUNCIL ACTIONS</b>  (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

the amendment to the deed restrictions, which allows for the establishment and operation of commercial and/or professional businesses. Subsequently his client sublet part of the premises to a local dentist. He stated at the time when the dentist requested a sign, the staff recommended that this particular rezoning be filed. He stated that they are complying with the staff's recommendation by filing for the request from R-3 to B-1-B.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

27 September 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

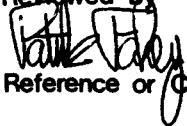
**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start****Date** 19 August 1993**Projected Completion or Occupancy****Date** 28 September 1993**Fact Sheet Prepared by**

Patricia Biancaniello

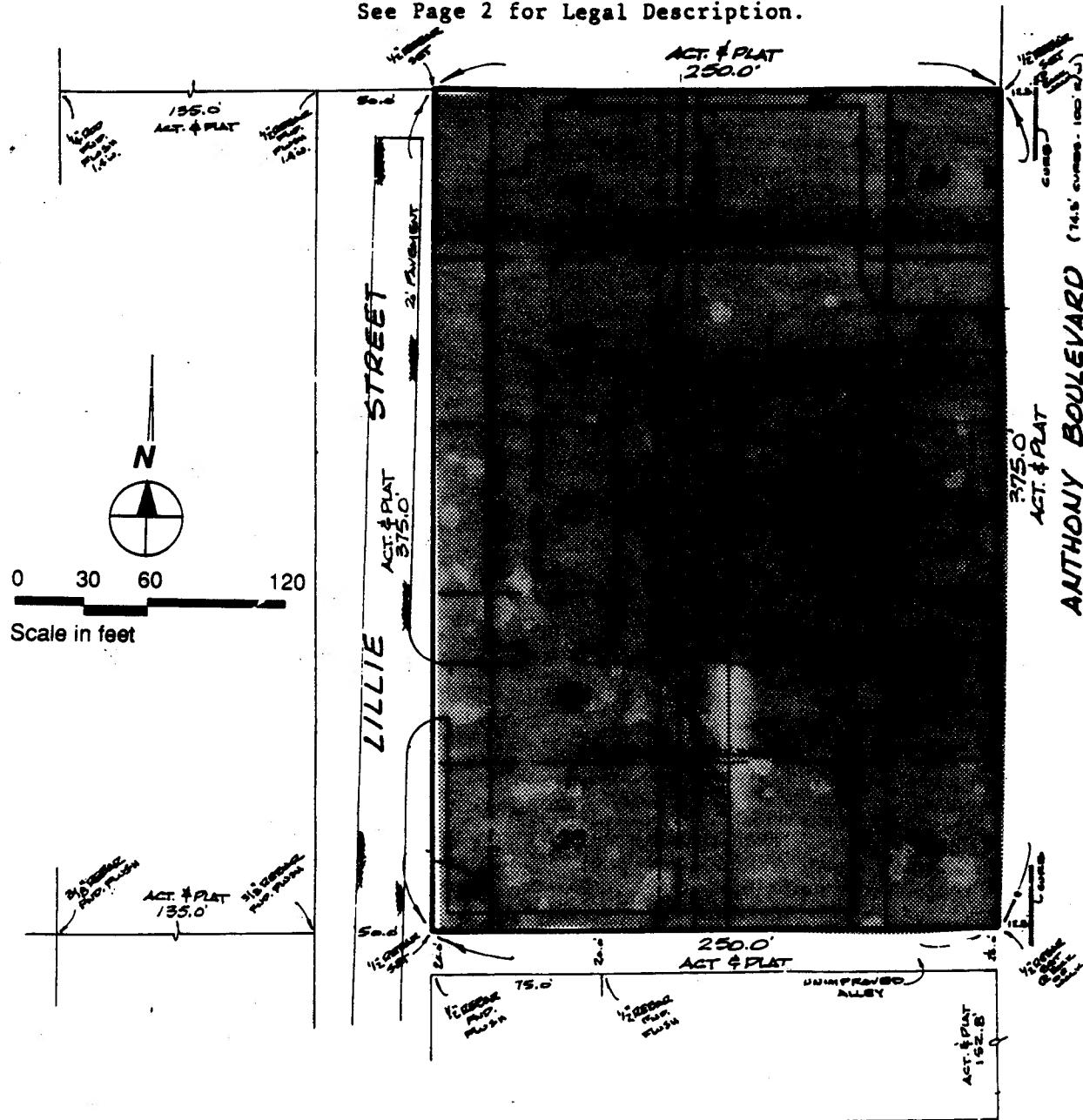
**Date** 28 September 1993**Reviewed by****Date****Reference or Case Number**

# REZONING PETITION

**AREA MAP**

**CASE NO. #547**

See Page 2 for Legal Description.



*PAULDING RD.*

COUNCILMANIC DISTRICT NO. 6

Map No. O-19  
LW 9-7-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 14, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 20, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 27, 1993.

Certified and signed this  
28th day of September 1993.



Robert Hutner  
Secretary

Solomon L. Lowenstein, Jr., attorney for LIUNA Local 213, Inc.,  
requests a change of zone from R-3 to B-1-B.

Location: 5700 South Anthony Blvd.

Legal: See file

Land Area: Approximately 2 acres

Zoning: R-3

Surroundings: North B1B Commercial  
South B1B Commercial  
East B1B/RA Commercial  
West R-1 Commercial & Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Mount Vernon Park

Neighborhood Plan: No comment.

Comprehensive Plan: No comment received.

Landscape: No comment.

Planning Staff Discussion:

This site is currently used as a union hall and offices. The parcel has existing commercial development on three sides of it. Anthony Boulevard at its intersection with Paulding Road has been developed as a commercial intersection with businesses primarily established to serve the local residents and passing motorists.

In early 1992 the parcel immediately south was redeveloped. A new drug store was constructed on that site. In connection with that development a portion of this parcel was sold off. Staff in discussion with the petitioners at that time had suggested the appropriateness of including this parcel in a rezoning request.

Rezoning petitions are evaluated against an established criteria which includes the Comprehensive Plan, current condition and character of uses in the area, conservation of property values, principles of responsible development and growth, and an evaluation of the highest or best land use of the site. Staff suggests that the requested zoning is appropriate for this area. The B-1-B is a limited business designation which allows approximately 90 uses. The concept behind the limited business classification is to provide for uses intended to serve area residents and businesses, and passing motorists. Existing uses to the north and south include a fast food store, and a drug store. We do not feel that

approval will in any way detract from property values or growth potential in the area. Commercial zonings and uses should be supported at this intersection, and would compliment established uses and designations.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with existing uses in the area and would not negatively impact area property values.
- 2) The requested zoning represents an appropriate designation to allow for the full use of the property within its highest land use potential.